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ORGANIZATION OF THE WORK OF THE SESSION

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[14 January 1992]

The human rights situation in Guatemala

1. On taking office a year ago in mid-January 1991, President Jorge Serrano Elías committed his Government to the protection and enforcement of human rights in Guatemala. Regrettably, human rights violations, including extrajudicial executions, "disappearances", torture and ill-treatment, have continued to occur. Harassment and death threats have increased sharply, forcing many to seek refuge abroad.

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2. Those persons pressing for investigations into human rights violations were particularly targeted by the security forces and their civilian agents. For example, in July and August 1991 exhumations of clandestine graves were carried out in the village of Chontalá, El Quiché department. The exhumation team, relatives of the victims of extrajudicial execution and "disappearance" who were presumed to be buried there, members of the Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA), National Coordination of Guatemalan Widows, and members of the Grupo de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Familiares (GAM), Mutual Support Group for the Appearance of our Relatives Alive, received repeated death threats, reportedly from the local civil patrol who were opposed to the exhumation. As a result, the exhumation was interrupted for several weeks, but work was subsequently resumed and 27 bodies were recovered, of whom at least six could be identified as victims of extrajudicial execution or "disappearance".

3. Also targeted was the Consejo de Comunidades Etnicas "Runujel Junam" (CERJ), Council of Ethnic Communities "We are all Equal", an organization working for the rights of Guatemalan indigenous peoples. In February CERJ members Juan Perebal Xirum and his son Manuel Perebal Morales were shot dead near Chupol, El Quiché. Another son, Diego Perebal León, was seriously wounded in the attack. He and his half-brother had been witnesses of the abduction in October 1990 of Sebastián Velásquez Mejía, a CERJ and GAM member from the village of Chunimá who was later found dead.

4. Judges and lawyers also came under attack. In July 1991 the President of the Appeals Court in Antigua, Raúl Sao Villagrán, was abducted in Guatemala City. His body, bearing marks of torture, was found two days later. The lawyer Roberto Lemus Garza received several death threats when he was a judge in the First Court in Santa Cruz del Quiché, for pursuing cases of human rights violations. He resigned as a judge in 1991 and worked with CERJ in Guatemala City. As he continued to receive death threats he was eventually forced to seek refuge abroad.

5. Trade unionists, leaders of popular movements and students increasingly came under attack, and scores were forced into exile following death threats and harassment. For example, Dinora Pérez Valdez, 28, a board member of the Fundación de Proyectos del Area Rural para Guatemala (FUNDAGUA), Rural Projects Foundation for Guatemala, a leading trade union figure and member of the Movimiento Político Guatemala Unida, Political Movement for a United Guatemala, was shot dead by two armed men on a motorcycle in Guatemala City in April 1991.

6. Members of the press were also targeted. For example, in February 1991 Hugo Arce, a prominent critic of the Government, was arrested by the National Police, who claimed they had found cocaine and explosives in his car. He was released several days later because of lack of evidence, but received further death threats after that.

7. In August, José Miguel Mérida Escobar, head of the homicide section of the Departamento de Investigaciones Criminólogicas (DIC), Department of Criminal Investigations, of the National Police, was shot dead metres away from the National Police headquarters. José Mérida was in charge of the investigation into the September 1990 killing of the anthropologist Myrna Mack and had reportedly uncovered evidence of army responsibility. Days before his death, he reported receiving threats and being under surveillance. At the time of his killing José Mérida was preparing to travel to the United States, and had indicated he was willing to give evidence before the Inter-American Commission on Human Rights. The police later claimed that they had arrested a former police agent in connection with the killing, which they said was motivated by a personal vendetta, and legal proceedings were initiated. A verdict was expected in mid-January 1992.

8. Street children and those working on their behalf were also the victims of human rights violations. In July 1991 four unidentified gunmen opened fire on the crisis centre for street children run by Casa Alianza, Covenant House, in Guatemala City. At least one street child was apparently extrajudicially executed and torture and ill-treatment of street children continued to occur, leading to over 60 pending legal suits against National or private policemen by the end of 1991.

9. These human rights violations occurred as the Guatemalan Government and representatives of the guerrilla coalition Unidad Revolucionaria Nacional Guatemalteca (URNG), Guatemalan National Revolutionary Unity, held talks, observed by the United Nations. A basic agreement on democratization was reached in July 1991. The talks broke down, however, in October over human rights issues.

10. In May 1991 the Human Rights Procurator announced the creation of the Investigatory Commission on the Disappeared, with the aim of investigating "disappearances" under previous regimes. The Commission, however, did not include local human rights organizations. The Human Rights Congressional Commission, at the request of the GAM, proposed a bill for a national investigatory commission into "disappearances". The bill was approved in Congress at its second reading; however, by the end of 1991, the third reading - necessary for its passage into law - had not yet taken place. In August the Comisión Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos (COPREDEH), Coordinating Commission of the Executive Policies in Human Rights Matters, formed by a representative of the President, the Ministers of Defence, Interior and Foreign Relations and the Attorney-General, was created. By the end of 1991, however, it was not clear whether it had become operational.

11. The Government claimed that progress was being made on some well-known cases of human rights violations. However, the investigations and legal proceedings appeared mostly to be defective, and in cases where sentences had been passed they appeared insufficient, were overturned or those allegedly responsible were released. For example, in April 1991 four policemen were convicted for the killing, in March 1990, of 13-year-old Nahamán Carmona López. The convictions, however, were overturned on technical grounds in July and a retrial ordered. The case was transferred to another court in October, and by the end of 1991 no retrial had taken place.

12. Former President Vinicio Cerezo, former Minister of the Interior Carlos Morales Villatoro and the then police chief Julio Caballeros Seigné were called to testify in the investigations into the September 1991 killing of anthropologist Myrna Mack. In December 1991 the officer of the Security Division of the Presidential Military Guard named as responsible for her killing was deported to Guatemala from the United States, where he had gone a year earlier. The ongoing investigation had uncovered evidence apparently hidden by the police, who had earlier qualified the case as a "common crime". Other high military authorities are due to testify in court in early 1992.

13. In the few cases under investigation where there was evidence of military involvement in the killings - which, according to the Constitution, are referred to military courts - the military courts appeared to base their decisions on irregular or incomplete proceedings and investigations. In October 1991 the commander and a sergeant of the Panabaj military detachment in Santiago Atitlán were sentenced to 4 and 16 years' imprisonment respectively for the killing of 13 T'zutuhil indigenous people and the wounding of some 27 others during a peaceful protest in front of the military detachment in December 1990. Although the sentences seem to signal an important step against military impunity, the army investigation appears to have been improperly conducted and the convictions contradict the accounts of witnesses and survivors, who said that more than two soldiers were involved in the shooting. However, many of those witnesses and survivors did not have an opportunity to be heard in court. The Public Ministry filed an appeal against the sentence of the sergeant, which they considered insufficient. They did not, however, request that those victims and witnesses who were not heard initially be allowed to have their testimony admitted as evidence.

14. Amnesty International considers that the United Nations Commission on Human Rights should act decisively to help prevent the continuation of human rights violations by calling on the Government of Guatemala to adopt immediate, concrete measures to stop such violations and to investigate effectively past abuses.

15. Amnesty International also considers that the human rights situation in Guatemala should be the object of detailed monitoring by the United Nations Commission on Human Rights.